

REMARKS

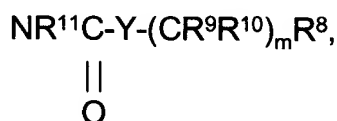
The Office Action has rejected Claims 55-58 and 60-72 under 35 U.S.C. §112, first paragraph for allegedly being non-enabling. In addition, the Office Action has rejected Claims 55-72 under 35 U.S.C. §112, second paragraph, for allegedly failing to particularly point and distinctly claim the subject matter which applicants regard as the invention. Further, the Office Action has objected to Claim 59.

Applicants have amended the claims, which when considered with the comments herein, are deemed to place the present case in condition for allowance. Favorable action is respectfully requested.

Applicants have rewritten the subject matter in Claims 55-72 in new Claims 78-95. For the convenience of the United States Patent Office and Trademark (USPTO), the following table correlates the new claims with the old claims.

New Claim	Old Claim
78	55
79	56
80	57
81	58
82	59
83	60
84	61
85	62
86	63
87	64
88	65
89	66
90	67
91	68
92	69
93	70
94	71
95	72

The language in the new claims is the same as the corresponding old claim, except to the extent indicated hereinbelow. For example, a difference in Claim 78 relative to Claim 55 is that Claim 78 has been amended by correcting spelling therein and providing antecedent basis of “alkenylene” in line 23 thereof. Support for this amendment is found in original Claim 1 and on page 26, lines 19-21 of the instant specification. Claim 78 (old claim 55) has also been amended by correcting a typographical error therein in the definition of R⁷, in line 40 thereto, by rewriting “C₁-C₆ acyl” to --C₁-C₆ acyl--. With respect to the rejection of Claims 78-81 (old Claims 55-58) and Claims 83-95 (old claims 59-72), it appears that there was some confusion with respect to the terms:



Applicants did place a strikethrough through each of the chemical moieties and tried to remove them in the Amendment filed on November 13, 2006, but because the print was a different size, the USPTO confused the strikethrough as an underline. By renumbering the claims, the present Amendment avoids that problem. Claim 56 (old Claim 79) has been amended by replacing the “may be” in line 24 with “are”. Claim 80 has been changed relative to Claim 57 by rewriting “C₃-C₁₂ alkylene wherein a methylene unit is isosterically replaced by O or CO¹¹ to read --C₃-C₁₀-alkylene, where a methylene unit is isosterically replaced by O or CO. Support is found on page 41, lines 23 to page 42, line 2 of the instant specification. Claim 80 (old Claim 57) has additionally been amended by placing a comma between R³ and R⁸ in line 23.

Claim 82 (old Claim 59) is amended by deleting those compounds which are not within the scope of the elected invention. Applicants have not abandoned the deleted subject matter,

but reserve the right to file a divisional application directed to the non-elected subject matter. Claim 83 is amended by deleting the phraseology "C₃-C₁₂-alkylene" in line 36 thereof and by changing "may be" in line 38 to --are--. Moreover, claims 78 (old Claim 55), 83 (old Claim 60) and 93-95 (old Claims 70-72) have been amended by deleting the term "solvates." In addition, Claims 79, 80, 81, 83-92 have been amended by changing the dependences upon which they depend. These amendments were effected as a result of the renumbering of the claims.

Applicants have not abandoned the deleted subject matter, but reserve the right to file a continuation application directed thereto.

No new matter has been added to the application.

Pursuant to the rejection of Claims 78-81 (old Claims 55-58) and 83-95 (old Claims 60-72), the Office Action alleges that the application is not enabling for solvates. Applicants disagree, and incorporate by reference the arguments earlier presented on this issue in the Response dated November 11, 2006. However, the deletion of this term from the claims pending in this application has rendered this rejection moot. Withdrawal thereof is respectfully requested.

Pursuant to the rejection of Claims 78-95 (old Claims 55-72) under 35 U.S.C. § 112, second paragraph, the Office Action has raised several issues. The current claims do not recite the alleged offending language therein. For example, in Claim 78 (old Claim 55), the definition of "D" does not have a second occurrence of a substituted "C₃-C₁₂-alkylene". Further, claim 78 (old Claim 55) does not recite C¹-C₆ acyl in the definition of R⁷. Moreover, the objected terms listed in (c) on page 4 of the Office Action have been deleted from the claims. Further, as amended, Claim 79 (old Claim 56) has antecedent basis for the terms "a substituted C₃-C₁₂-alkylene which is substituted once or twice by C₃-C₆-alkyl, hydroxyl or phenyl" in the definition of D. Similarly, there is sufficient antecedent in Claim 80 (old Claim 57) for the term "a substituted C₃-C₁₀-alkenylene, which is substituted by methyl, hydroxyl or phenyl" and for the

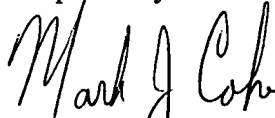
term “substituted C₃-C₁₂-alkylene wherein a methylene may be isosterically replaced by O or CO” in the definition of D. Further, Claim 80 (old Claim 57) as added to the application, does have the comma between R³ and R⁸ with respect the definitions of the substituents on the aromatic ring system. Moreover, Claim 81 (old Claim 58), as drafted, has antecedent basis for the objected term. More specifically, there is an antecedent basis for the term “a substituted C₃-C₈-alkylene substituted by phenyl” in the definition of D by reciting in claim 78 (old Claim 55) that D is a substituted C₃-C₁₂-alkenylene...” Further, as amended, Claim 60 has antecedent basis for the language in “(G) terminal methylene group in the C₃-C₁₂-alkylene, C₃-C₁₂-alkenylene or C₃-C₁₂-alkynylene, one to three methylene...”

Thus, Claims 78-95 do not recite any offending language. Consequently, this rejection under 35 U.S.C. §112, second paragraph is overcome. Withdrawal thereof is respectfully requested.

Inasmuch as Claim 82 (old Claim 59) has been amended to delete the species that are inconsistent with the elected invention, the objection thereto is overcome. Withdrawal thereof is respectfully requested.

Thus, in view of the Amendment in the Claims and the Remarks herein, it is respectfully submitted that the present case is in condition for allowance which action is earnestly solicited.

Respectfully submitted,



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